

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

OUTMEMPHIS, et al.,

Plaintiffs,

v.

BILL LEE, et al.,

Defendants.

Civil Action No. 2:23-CV-2670

UNITED STATES OF AMERICA,

Plaintiff,

v.

STATE OF TENNESSEE, et al.,

Defendants.

Civil Action No. 2:24-CV-2101

Chief Judge Lipman

**JOINT NOTICE OF PARTIAL SETTLEMENT
AND STIPULATION OF PARTIAL DISMISSAL**

Plaintiffs and Defendants in *OUTMemphis v. Lee* (the “Parties”) stipulate as follows:

1. The Parties have reached a Settlement Agreement and Release of Liability (“Settlement”) that fully settles Counts IV, V, VI, VII, VIII, and X of Plaintiffs’ First Amended Complaint in *OUTMemphis v. Lee* (Dkt. 62). *See* Exhibit A. Counts I, II, III, and IX of Plaintiffs’ First Amended Complaint in *OUTMemphis v. Lee* are not impacted. *Id.*

2. Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), the Parties ask that Counts IV, V, VI, VII, VIII, and X of Plaintiffs' First Amended Complaint in *OUTMemphis v. Lee* be dismissed with prejudice. This resolves all claims brought by Individual Plaintiffs in this case.

3. Pursuant to the Settlement, Plaintiffs waive any right to seek attorneys' fees or costs incurred in the litigation which arose from or were related to Counts IV, V, VI, VII, VIII, and X of Plaintiffs' First Amended Complaint. Plaintiffs do not waive the right to seek attorneys' fees or costs related to Counts I, II, III, and IX. *See* Exhibit A, para 13.

4. As the Settlement has resolved Counts IV, V, VI, VII, VIII, and X of Plaintiffs' First Amended Complaint, the Court need not address whether Tennessee's Sex Offender Registry Act violates the Americans with Disabilities Act (ADA), the Rehabilitation Act of 1973, Equal Protection, Substantive Due Process, the Eighth Amendment, or the Ex Post Facto Clause in its decision on Defendants' motion to dismiss. With respect to the ADA, Rehabilitation Act of 1973, Equal Protection, and substantive due process claims, the parties have largely briefed their application to the Aggravated Prostitution statute and the Sex Offender Registry together.¹ As a result of the Settlement, the Court need only consider the application of those arguments to the Aggravated Prostitution statute. The Court also need not consider Defendants Rausch and Strada's sovereign immunity and standing defenses, as all claims against them are dismissed pursuant to this Settlement. (Dkt. 66-1 at 24-26, 32-33²; Dkt. 67 at 20-23, 29³). The remainder of the issues addressed in that briefing remain ripe for adjudication.

¹ The one exception is in Plaintiffs' Memorandum of Law in Opposition to Defendants' Motion to Dismiss Plaintiffs' First Amended Complaint, where one subsection of the equal protection section addresses the Registry specifically. *See* Dkt. 67 at 64-65.

² Some of Defendants' arguments in this page range apply to Defendants Lee and Skrmetti. These arguments are still live.

³ Some of Plaintiffs' arguments in this page range apply to Defendants Lee and Skrmetti. These arguments are still live.

5. The Parties ask that this Court maintain jurisdiction over the dismissed claims for the sole purpose of enforcing the Settlement against the Parties.

For the reasons stated above, the Parties ask that Counts IV, V, VI, VII, VIII, and X of Plaintiffs' First Amended Complaint in *OUTMemphis v. Lee* be dismissed with prejudice.

DATED: July 17, 2024

Respectfully submitted,

/s/ Alexis Agathocleous

Alexis Agathocleous* (NY Bar 4227062)

Rachel Meeropol* (NY Bar 4100954)

Alexis Alvarez* (NY Bar 5854278)

Jon W. Davidson* ** (CA Bar 89301)

AMERICAN CIVIL LIBERTIES UNION

125 Broad St., New York, NY 10004

Phone: (929) 585-0061

AAgathocleous@aclu.org

AlexisA@aclu.org

JonDavidson@aclu.org

RMeeropol@aclu.org

Stella Yarbrough (BPR No. 033637)

Jeff Preptit (BPR No. 038451)

Lucas Cameron-Vaughn (BPR No. 036284)

ACLU FOUNDATION OF TENNESSEE

P.O. Box 120160

Nashville, TN 37212

Phone: (615) 320-7142

SYarbrough@aclu-tn.org

JPreptit@aclu-tn.org

Lucas@aclu-tn.org

Lynly S. Egyes* (NY Bar 4838025)

Milo Inglehart* (NY Bar 5817937)

TRANSGENDER LAW CENTER

594 Dean Street, Suite 11

Brooklyn, NY 11238

Phone: (510) 587-9696 Ext. 353

Lynly@transgenderlawcenter.org

Milo@transgenderlawcenter.org

Dale Melchert* (NY Bar 5366554)

TRANSGENDER LAW CENTER

P.O. Box 70976
Oakland, CA 94612
Phone: (510) 587-9696 Ext. 354
Dale@transgenderlawcenter.org

* Admitted *pro hac vice*

** Admitted only in California

JONATHAN SKRMETTI
Attorney General and Reporter

/s/ Cody N. Brandon
CODY N. BRANDON (BPR# 037504)
Managing Attorney
Assistant Attorney General

DAVID RUDOLPH (BPR# 13402)
Senior Assistant Attorney General

Law Enforcement &
Special Prosecutions Division
Office of the Tennessee
Attorney General & Reporter
PO Box 20207
Nashville, TN 37202
Off. (615) 532-7400
Fax (615) 532-4892
Cody.Brandon@ag.tn.gov
David.Rudolph@ag.tn.gov

Certificate of Service

I hereby certify that a true and exact copy of the foregoing was filed and served via the Court's electronic filing system on this the 17th day of July 2024, upon:

CODY N. BRANDON (BPR# 037504)
Managing Attorney
Assistant Attorney General

DAVID RUDOLPH (BPR# 13402)
Senior Assistant Attorney General

Law Enforcement &
Special Prosecutions Division
Office of the Tennessee
Attorney General & Reporter
PO Box 20207
Nashville, TN 37202
Off. (615) 532-2552
Fax (615) 532-4892
Cody.Brandon@ag.tn.gov
David.Rudolph@ag.tn.gov

STEPHANIE BERGER
ALI SZEMANSKI
ANNA G. BOBROW
U.S. Department of Justice
150 M Street NE Washington, DC 20002
Stephanie.Berger@usdoj.gov
Ali.Szemanski@usdoj.gov
Anna.bobrow@usdoj.gov
Off. 202-307-0663
Counsel for the United States

Dated: July 17, 2024

Respectfully submitted,

/s/ Alexis Agathocleous

Alexis Agathocleous (NY Bar 4227062)
AMERICAN CIVIL LIBERTIES UNION
125 Broad St., New York, NY 10004
Phone: (929) 585-0061
AAgathocleous@aclu.org
Admitted Pro Hac Vice